

## **Remarks**

Claims 1-23, as amended, are pending in this application. In an Office Action dated June 29, 2005, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 1-7, 9-10, 12-20 and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Appl. Pub. No. 2002/0163440 to Tsui (henceforth, Tsui). The Examiner rejected claims 8 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Tsui in view of U.S. Pat. No. 6,008,735 to Chiloyan *et al.* The Examiner rejected claims 11 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Tsui in view of U.S. Pat. No. 6,441,719 to Tsui. Applicant respectfully requests reconsideration in light of the following remarks.

### **The § 112 Rejection**

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” The Examiner believes that claim 1, as filed, does not make clear whether the claimed receiver is in the appliance or in a remote control. Claim 1, as amended, provides that the claimed receiver section is separate from the appliance receiver. Applicant believes that claim 1, as amended, clearly indicates that the claimed receiver is not in the appliance to be controlled.

### **The § 102 Rejections**

Claim 1 provides a system for wirelessly activating an appliance. The system includes a receiver section separate from the appliance receiver, a transmitter, at least one user activation input, memory, and control logic. The memory holds data describing a plurality of rolling code transmission schemes associated with a rolling code mode and a plurality of fixed code transmission schemes, at least one of which is associated with each of at least one fixed code mode. The control logic maintains a channel mode set initially to a rolling code mode. The channel mode is changed to a fixed code mode if the channel is trained to a fixed code in response to receiving a signal transmitted from an existing transmitter. In response to an assertion of the user activation input associated with the channel, an activation signal is

generated and transmitted based on each transmission scheme associated with the mode maintained for the channel.

The Examiner rejected claim 1 as anticipated by Tsui. Tsui discloses a universal transmitter that is programmed by setting a plurality of switches. (See, paragraphs 36-39, pg. 4.) Tsui does not teach, or fairly suggest, changing a channel mode in response to receiving a signal transmitted from an existing transmitter since Tsui does not disclose a trainable transmitter including a receiver. Claim 1 is patentable over Tsui. Claims 2-11, which depend from claim 1, are therefore also patentable.

Independent claim 12 provides a method for use in a wireless appliance activation transceiver system. A mode is established as rolling mode. If a fixed code is detected in a radio frequency activation signal, received by the transceiver system, the fixed code is stored and the mode is changed to fixed mode. An activation request is received from a user. If the mode is rolling mode, the transceiver system generates and transmits a sequence of activation signals, each activation signal based on one of the plurality of rolling code transmission schemes. If the mode is fixed mode, the transceiver system generates and transmits at least one activation signal, each of which is based on one of the fixed code transmission schemes and includes the stored fixed code.

The Examiner rejected claim 12 as anticipated by Tsui. Tsui neither teaches nor fairly suggests a transceiver which sets a mode based on a signal received by the transceiver system. Claim 12 is patentable over Tsui. Claims 13-23, which depend from claim 12, are therefore also patentable.

Dependent claims 4 and 16 provide that a fixed code channel mode or subset of fixed code transmission schemes is selected based on the size of the fixed code received. Tsui discloses learning a fixed code based on manually setting switches, but makes no mention of selecting a particular mode or set of transmission schemes based on the size of the fixed code entered on those switches.

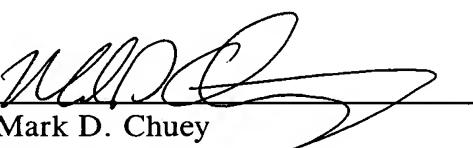
Dependent claims 9 and 22 provide for determining a transmission order of activation signals based on a popularity of transmission schemes. Tsui appears to provide no disclosure of any kind related to the order of transmission of activation signals nor about basing such an order on the popularity of transmission schemes.

Applicant believes claims 1-23 meet all substantive requirements for patentability and respectfully requests that this case be passed to issuance. A check in the amount of \$120 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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